

Diamond Line's connection with Conrail's New Castle Secondary Track) to the vicinity of Christiana Ave., and U.S. Interstate 495.¹ Upon exercising the authority granted in this exemption, DSPR will become a Class III rail carrier.²

DSPR will continue rail service formerly provided by Conrail to existing rail customers located in the above-described area.³

The transaction was scheduled to be consummated on or shortly after June 4, 1999.

This transaction is related to two simultaneously filed notices of exemption in STB Finance Docket No. 33756, *Delaware Transportation Group, Inc.—Continuance in Control Exemption—Diamond State Port Railway Company, Inc.*, wherein Delaware Transportation Group, Inc. (DTGI) seeks to continue in control of DSPR, upon DSPR's becoming a Class III rail carrier and one existing Class III railroad,⁴ and STB Finance Docket No.

¹ As indicated by DSPR in its notice, because both of the lines described above have been operated until now as spur, industrial, switching or terminal trackage, the lines in question have never, to DSPR's knowledge, been assigned milepost numbers or valuation station numbers. The property descriptions provided are offered in lieu of the milepost or valuation station data typically provided to define the origination and termination points on rail lines.

² DSPR states that its revenues will not exceed those that would qualify it as a Class III rail carrier and its revenues are not projected to exceed \$5 million.

³ Norfolk Southern Railway has assumed service previously provided by Conrail on connecting main lines into the Wilmington, DE area. See *CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company—Control and Operating Leases/Agreements—Conrail, Inc., and Consolidated Rail Corporation*, STB Finance Docket No. 33388, Decision No. 89 (STB served July 23, 1998).

⁴ See *Gettysburg Railway Company, Inc.—Lease and Operation Exemption—Delaware Transportation Group, Inc.*, STB Finance Docket No. 33504 (STB served Nov. 21, 1997).

33757, *Delaware Transportation Group, Inc.—Corporate Family Exemption—Diamond State Port Railway Company, Inc., and Gettysburg Railway Company, Inc.*, wherein DTGI will become the parent company of Gettysburg Railway Company, Inc., and DSPR.

If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33755, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423-0001. In addition, one copy of each pleading must be served on Robert A. Wimbish, Rea, Cross & Auchincloss, 1707 L Street, NW, Suite 570, Washington, DC 20036.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: June 21, 1999.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. 99-16240 Filed 6-24-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33764]

Rock & Rail, Inc.—Acquisition and Operation Exemption—Railroad Lines Near Kelker, El Paso County, CO

Rock & Rail, Inc. (R&R), a Class III rail common carrier, has filed a verified

notice of exemption under 49 CFR 1150.41 to acquire and operate sections of track it has purchased from several non-railroad owners.¹ The railroad lines are approximately a mile in length, beginning at a turnout from a siding paralleling the line of The Burlington Northern Santa Fe Railway Company at milepost 658.45, near Kelker, El Paso County, CO.

The transaction is scheduled to be consummated on or after June 17, 1999.

If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke does not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33764, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Fritz R. Kahn, Esq., 1100 New York Avenue, NW, Suite 750 West, Washington, DC 20005-3934.

Decided: June 17, 1999.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

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¹ R&R represents that the sellers of the track are Kappa Sizma's Gamma-O Educational Foundation, First United Methodist Church, and Ochs Brothers, a Partnership.